

IN THE MATTER OF
SONYA PLASKON
RESPONDENT

* BEFORE THE MARYLAND STATE
* BOARD OF PROFESSIONAL
* COUNSELORS AND THERAPISTS
* Case Number: 2023-001

* * * * *

FINAL DECISION AND ORDER

I. BACKGROUND

On or about June 24, 2022, the Board received a complaint alleging that the Respondent “was engaging in sexual relations with the father of a client (minor) to which she provides mental health treatment.” As a result, the Board opened an investigation and subsequently charges were issued.

After the investigation concluded, or about June 24, 2022, charges were issued pursuant to the Maryland State Board of Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2023 Repl. Vol.). The charges alleged that there was probable cause to believe that the Respondent was in violation of the following provisions of the Act, which in part states:

§17-509. Denial, probation, suspension or revocation of license.

Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny trainee status, a license, or a certificate to any applicant, place any trainee, licensee, or certificate holder on probation, reprimand any trainee, licensee, or certificate holder, or suspend, rescind, or revoke the status of any trainee, a license of any licensee, or a certificate of any certificate holder if the applicant, trainee, licensee, or certificate holder:

- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (13) Violates any rule or regulation adopted by the Board; [and]
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

Pursuant to Health Occ. §17-509 (8) and (13), listed above, the charges were also based on the following provisions of the Code of Ethics adopted by the Board, codified at Md.

Code Regs. (“COMAR”) 10.58.03 *et seq.*, in particular:

COMAR 10.58.03.04

A. A counselor shall:

- (4) Disclose, to all involved, conflicts of interest regarding confidentiality requirements;
- (6) Protect the interests of minors or other clients unable to give informed consent;
- (11) Be familiar with and adhere to this chapter; [and]
- (14) Take reasonable precautions to protect clients from physical or psychological trauma.

B. A counselor may not:

- (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

COMAR 10.58.03.09

D. Prior Sexual Relationships. A counselor may not provide professional services to an individual with whom a counselor has previously engaged in sexual behavior.

The Respondent submitted a written request for a hearing and a notice of hearing was issued on or about January 17, 2024. The Board held a virtual hearing over the course of two days, Friday, February 16th, 2024 and Friday, April 5, 2024.

II. HEARING BEFORE THE BOARD

The hearing commenced as scheduled and a quorum of the Board was present. At all times during the proceeding, the Respondent was present and represented by counsel, Daniel Rosendale, Esquire. The State of Maryland (the “State”) was represented by administrative prosecutor, Assistant Attorney General, Kelly Cooper.

Evidence was received from both parties in the form of oral testimony from three witnesses as well as exhibits.

State’s Witnesses

Shelly-Ann Barnes, Board Investigator

State’s Exhibits

- 1) Report of Investigation;
- 2) Complaint;
- 3) Transcript;
- 4) E-mails;
- 5) Affidavit;
- 6) License data;
- 7) Notice of Intent to Revoke;
- 8) Letter of Representation and Request for Hearing;
- 9) Notice of Hearing;

At the onset of the hearing the State offered Exhibits 1-9 for admission as evidence in the record. Exhibits 3, 4, 5, and 6 were admitted without objection. The Respondent objected to the admission of the remaining exhibits, arguing the documents lacked

probative value as no testimony had been offered in relation to the documents at the commencement of the proceeding when they were identified. The Board overruled the objections, and admitted Exhibits 1, 7, 8 and 9. The Board would determine whether the probative value outweighed any prejudice to the Respondent, and what, if any, weight to give the Exhibits in light of the Respondent's objection.¹

Respondent's Witnesses

Erik Amaro Lott former Board Investigator, and
the Respondent

Respondent's Exhibits

The Respondent did not offer any exhibits.

The issue before the Board was whether the Respondent's interactions with the father of her (minor) client resulted in a violation of the pertinent provisions of the Act or the Code of Ethics governing the practice of counseling and therapy; and if there was a violation of the Act or Code then what, disciplinary action(s) should be taken against the license.

III. FINDINGS OF FACT

The Board makes the following findings of fact based on the entirety of the record:

¹ Exhibits 7,8, and 9 were probative of the State's compliance with procedural requirements for the commencement of a disciplinary proceeding before the Board pursuant to the Act and the contested case proceedings of Md Code Ann., State Gov't 10-201 *et seq.*

1. On September 15, 2021, the Respondent was issued a license to practice as a licensed graduate professional counselor (“LGPC”), License Number, LGP11913, in the State of Maryland. The license expired on September 30, 2023.
2. The Respondent was authorized to practice as an LGPC at all times relevant to the proceedings.
3. At all times relevant to the proceeding, the Respondent was employed as a therapist providing counseling services to minors who attended a middle school in the State of Maryland.
4. Due to the location of her job and the client population that she served, the Respondent routinely came into contact and interacted with the parents and/or legal guardians of students at the middle school.
5. On or about February 18, 2022, the Respondent became aware of the minor child (hereinafter “MC”) and MC’s father.
6. MC’s mother and father were going through a divorce.
7. MC’s father approached the Respondent about obtaining services for MC.
8. The Respondent gave MC’s father her personal cell phone number. The Respondent used her personal cell phone occasionally to communicate with the parents and legal guardians of her clients.
9. MC’s father called the Respondent. During the call with MC’s father, the Respondent explained what therapy is and MC’s father shared his thoughts about MC’s need for therapy.

10. During the initial conversation with MC's father the Respondent did not know that MC's insurance would make him ineligible to receive therapy services from her.
11. Before the initial call concluded MC's father flirted with the Respondent and communicated his interest in the Respondent.
12. Upon hearing MC's father flirt and express his interest in her, the Respondent did not re-direct MC's father, try to stop him from flirting, and she did not tell him flirting and interest in her was inappropriate.
13. After the initial call, the Respondent and MC's father began exchanging flirtatious texts and calling each other on the phone.
14. The Respondent shared information about the relationship with MC's father with her roommate who was also a LGPC licensed by the Board and employed as a therapist.
15. The Respondent admitted to her roommate that she was interested in MC's father.
16. At some point, the Respondent became aware that MC was not eligible for counseling services due to a problem with his insurance. Considering this news, the Respondent continued to engage in flirtatious phone calls and text messages with MC's father.
17. The Respondent also experienced some pressure at work to increase her caseload.
18. The Respondent carried on her flirtatious relationship with MC's father for two months.
19. The Respondent was notified by her supervisor that she could take a client pro bono. The Respondent chose to provide the pro bono services to MC. According to the

Respondent MC was the only student who met the criteria to receive pro bono counseling services.

20. The Respondent added MC to her caseload, and she began providing counseling services to MC.
21. The Respondent did not believe the relationship she engaged in with MC's father presented a conflict of interest. She did not notify her supervisor about any of her communications with MC's father.
22. The Respondent provided family sessions to MC and the father. She gave the father parental guidance, created treatment plans with the father.
23. The Respondent does not believe it was unethical to take MC on as a client.
24. The Respondent did not seek guidance from her supervisor or other peers.
25. After she commenced to provide counseling services to MC, the Respondent's contact with MC's father consisted of keeping him informed of MC's progress and other details as warranted, appropriate and typical.
26. The Respondent denied ever going out on a date, having physical, sexual contact, or seeing MC's father outside of the school or the Respondent's place of employment.

IV. DISCUSSION

Pursuant to section 17-509 of the Act, the Board may suspend, rescind, or revoke a license of any licensee, if the Board finds by a preponderance of the evidence, that the licensee committed any of the enumerated acts. The Board considered whether the Respondent committed the following violations of the Act:

violates the code of ethics adopted by the Board, knowingly violates any provision of this title, violates any rule or regulation adopted by the Board, commits an act of unprofessional conduct in the practice of clinical or nonclinical counseling or therapy. See Md. Code Ann., Health Occ. §§ 17-509. (2023 Repl. Vol.).

Summary of the Evidence

At the hearing the Respondent's facial expressions, demeanor, and tone of voice was argumentative, hostile and aggressive. She displayed no remorse for the circumstances that brought her before the Board. She was not credible as she was unwilling to agree with her prior statements, even when they were not necessarily against her interest. Her temperament at the hearing was glaringly escalated in contrast to her relaxed and conversational interview with the Board's investigator, Mr. Lott. Her interview with Mr. Lott also occurred closer to the time the incident took place leaving the Board to believe that more likely than not, her memory at that time was more intact. Therefore, the Board finds the Respondent's interview with Mr. Lott more credible than her testimony at the hearing.

In her interview with Mr. Lott, the Respondent admitted that she engaged in a flirtatious relationship with the father of her minor client. The relationship consisted of exchanging flirtatious texts and engaging in flirtatious calls on her cell phone with the minor client's father. The minor client's father expressed an interest in dating the Respondent and the Respondent admitted that the feeling was mutual. The Respondent

never actually went on a date with the minor client's father or engaged in any overt sexual acts or contact with him.

The Respondent admitted to the Board's investigator that she was under some pressure at work to increase her caseload of clients but dismissed this notion at the hearing. She also admitted that the flirtatious relationship with the father lasted for a couple of months and ended when she learned that she could take a pro bono client. She claimed that the minor child of the father she had been flirting with, was the only child eligible for pro bono counseling at the time.

The Respondent admitted that her former roommate who was also an LGPC and working in the profession at the time, had questioned her on more than one occasion about her relationship with the minor client's father. Her former roommate characterized it as "unethical" for the Respondent to be complicit in a flirtatious relationship with the dad and was "very uncomfortable" when the Respondent shared that she was interested in the father and that he was also interested the Respondent.

Despite the concerns raised by her former roommate, the Respondent did not disclose her prior interactions and interest in the father to her supervisor. Nor did she seek guidance from other colleagues. Instead, the Respondent placed the minor client on her caseload as if nothing at all between she and the father had occurred. She then proceeded to provide counseling services to the minor client.

Mr. Lott testified that he authored an affidavit and provided it to the Respondent for her review and approval. He used the word "sexual" to describe the nature of the flirting between the Respondent and the father and noted that the Respondent had multiple

opportunities to correct the language if she disagreed and that she did not remove the word “sexual” or request that Mr. Lott remove it from the document.

The record evidence shows that the minor child’s need for counseling services was the basis for the Respondent’s initial interaction with the minor child and his father at the school. During her initial conversation with the father the Respondent admitted that the father propositioned her and expressed an interest in her. The Respondent did nothing to redirect the father. At some point the Respondent learned that the minor child could not receive services due to an issue with the insurance. In the following weeks, the Respondent engaged in ongoing flirting communications with the minor child’s father. When the Respondent learned the minor child was eligible to receive counseling services pro bono, she took the minor child on as a client and discontinued the relationship with the father. She did not disclose the existence of the relationship, however minimal it seemed at the time, to her supervisor.

The State met its burden. The Board is persuaded that a preponderance of the evidence shows that the Respondent violated pertinent provisions of the Act as set forth in Health Occ. §17-509 (8), (9), (13), and (16) and the relevant sections of the COMAR, by engaging in a flirtatious relationship with the father of her minor client. Simply put, the Respondent’s conduct was unprofessional. First, as a therapist, using a personal cell phone to communicate with parents/legal guardians of minor clients is not professional. The use of a personal cell phone by a therapist when communicating with or on behalf of minor

clients lends itself to a blurring of the lines and crossing of personal and professional boundaries.

Second, the Respondent's failure to re-direct a parent/legal guardian who was not interacting with her in a professional manner was unprofessional. The Board recognizes that a therapist has no control over the actions or statements of other individuals. However, the therapist is responsible for her own actions and statements. It was her responsibility to create the boundaries and remind clients and family members to respect those boundaries for the benefit of the patient, who in this case was a minor, the parent/guardian, and the therapeutic alliance.

Third, the Respondent also failed to protect the minor client from the potential trauma, humiliation and internalized feelings that may have occurred solely because of the relationship she had with his father. Instead of protecting the minor client from these potential outcomes the Respondent chose to protect herself. It goes without saying that her decision not to be honest and forthcoming about her relationship with the father was patently irresponsible. The Respondent's decision to engage in a relationship with the father was also a decision, albeit an unconscious one, that the minor client could not be her patient. Thus, the Respondent's treatment of the minor child in the wake of her relationship with the father compromised her ability to treat, advocate and align with the patient wholly and freely. This is also the basis for finding that the relationship with the father created a conflict of interest that was not acknowledged by the Respondent or disclosed to either the son or the father at any time, as is required pursuant to Md. Code Ann., Health Gen'l, §4-

301 *et seq.* (2023). Neither did the Respondent acknowledge the conflict of interest when her roommate brought it to her attention, or with her supervisor prior to placing the minor client on her caseload. Combined, these failures suggest a lack of respect for the profession and for the individuals served.

V. CONCLUSIONS OF LAW

Based on the foregoing the Board finds that a preponderance of the evidence in the record exists to support the conclusion as a matter of law that the Respondent's conduct was unprofessional and unethical. Specifically, after engaging in flirtatious text messages and phone conversations with the minor child's father, she placed the minor client on her case load and provided therapeutic services to the minor child pro bono. She failed to notify her supervisor of the existence of the flirtatious relationship with minor child's father prior to placing the minor child on her caseload and did not discuss the conflict of interest with her supervisor. The Respondent's acts and omissions constitute a violation of Health Occ. § 17-509 (8) (violates the code of ethics adopted by the Board); 17-509 (9) (knowingly violates any provision of this title); § 17-509 (13) (violates any rule or regulation adopted by the Board); and § 17-509 (16) (commits an act of unprofessional conduct in the practice of clinical or nonclinical counseling or therapy) in that the Respondent violated COMAR 10.58.03.04 (A) (4) (Disclose, to all involved, conflicts of interest regarding confidentiality requirements), (A) (6) (Protect the interests of minors unable to give informed consent), (A) (11) (Be familiar with and adhere to this chapter), (A) (14) (Take reasonable precautions to protect clients from psychological trauma) and (B) (3) (A counselor may not

enter into relationships that could compromise a counselor's objectivity or create a conflict of interest). The complaint alleged that the Respondent engaged in a sexual relationship with the father of a minor client in violation of COMAR 10.58.03.09 (D) (A counselor may not provide professional services to an individual with whom a counselor has previously engaged in sexual behavior). The Board finds that there was no evidence in the record to support a finding that the Respondent violated section 10.58.03.09 (D) of COMAR.

The Board finds that the above-mentioned violations of the Act and COMAR most appropriately fall within COMAR 10.58.09.06 (B) (8), (9), (13), and (16) of the Board's sanctioning guidelines. The range of potential sanctions under these provisions includes reprimand to revocation and/or a minimum fine of \$250 to a maximum fine of \$5,000. COMAR 10.58.09.04. In considering an appropriate sanction for the Respondent's license, the Board took into account evidence that: a) even though there was no evidence of prior disciplinary history the violations of the Act were committed with gross negligence or recklessness; b) the violations were not self-reported; c) the violations had the potential to cause serious patient harm; d) the Respondent was more likely than not motivated to put the minor client on her case load even in spite of her relationship with the father for financial gain; e) the minor client was vulnerable; f) the minor client had experienced trauma as his parents were going through a divorce; g) the Respondent's lack of insight when brought to her attention by her former roommate; h) that the Respondent lacks insight into the wrongfulness of her actions and/or omissions; i) the Respondent either attempted to hide, ignored, or failed to acknowledge her misconduct; and j) the conduct has the potential to be repeated or to recur in the future.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this **17th** day of **May, 2024** by a majority of the Board considering this case:

ORDERED that the charge alleging a violation of COMAR 10.58.03.09 (D) is **DISMISSED**, and it is further

ORDERED that the Respondent's license to practice as a licensed graduate professional counselor is hereby **REVOKED**; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2019).

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 17-512(a), the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Applicant files an appeal, the Board is a party and should be served with the court's process at the following address:

Shelly-Ann Barnes, Acting Executive Director
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299
Fax: 410-358-1610
shelly-ann.barnes@maryland.gov

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

05/17/2024

Date



Winnie Moore, LCPC

Board Chair

Maryland State Board of Professional
Counselors and Therapists